



**California Regional Water Quality Control Board**  
**North Coast Region**  
**William R. Massey, Chairman**



*Linda S. Adams*  
Agency Secretary

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**Arnold**  
**Schwarzenegger**  
Governor

June 19, 2006

Mr. Dean Lewis  
Last Redwood Corporation  
Redcrest, CA 95569

Dear Mr. Lewis:

**Subject:** Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Ancient Redwoods RV Park

**File:** Ancient Redwoods Resort RV Park  
WDID No. 1B06019WNHU

This Order by the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), is being issued pursuant to Section 401 of the Clean Water Act (33 USC 1341), in response to your request, for Water Quality Certification for activities related to construction of the Ancient Redwoods RV Park and the associated fish habitat enhancement project on Chadd Creek near Redcrest, Humboldt County. On February 24, 2006, the Regional Water Board received your application and a \$2225.00 processing fee. On May 26, 2006, we deemed the application complete and posted information describing the proposed project on the Regional Water Board's website for a 21-day public review and comment period. We did not receive any public comments on this project.

**Project Description:** The project is located at 28101 Avenue of the Giants, near the confluence of Chadd Creek and the Eel River. The applicant received a Special Permit from Humboldt County to construct an RV Park and associated improvements within the County's Streamside Management Area (SMA). The Special Permit allows for a reduction of the Streamside Management Area from 100 feet wide to a variable width of 50 to 75 feet wide. Activities related to construction of the RV Park include grading and paving, trenching to install drainage features and utilities, installation of a septic system, installation of a new well and water supply system, and removal and replacement of an existing bridge. The project includes in-stream fish habitat and riparian vegetation enhancements to mitigate for the area within the SMA that will be lost as a result of the proposed project.

***California Environmental Protection Agency***

*Recycled Paper*

Mitigation measures include planting a variety of native tree species in a reserve area along Chadd Creek, placing large woody material and boulder structures in Chadd Creek to improve habitat complexity for salmonids, and grading approximately 1500 feet of an existing road to direct runoff away from Chadd Creek. In-stream habitat enhancement activities will be based on the California Stream Habitat Restoration Manual and site-specific habitat conditions.

Some of the in-stream habitat structures will be anchored using root wads, boulders and other natural means rather than cables. Some of the large wood structures will be keyed into the banks by burying at least one-third of the structure in a trench that is excavated into the bank. Temporary cofferdams may be installed around work areas where necessary to allow stream flows to bypass the work area and to prevent soil from entering the stream. Soil will be compacted around the added log structures and cobbles will be placed over disturbed areas to minimize soil erosion.

An existing 8-foot wide flatcar bridge will be removed and placed in a temporary crossing location while new bridge footings are constructed approximately 100 feet upstream of the existing location. The new bridge footings will be located at least six feet away from the banks of Chadd Creek and will raise the bridge approximately two feet. No piers or other bridge structures will be placed in the stream channel.

Receiving Waters:	Chadd Creek in the Scotia Hydrologic Subarea No. 111.12.
Latitude/Longitude:	40.416N/123.964W
Filled or Excavated Area:	Area Temporarily Impacted: none Area Permanently Impacted: 0.026 acre of stream channel for placement of in-stream habitat structures
Total Linear Impacts:	Length Temporarily Impacted: none Length Permanently Impacted: 345 feet of stream channel for placement of in-stream habitat structures
Federal Permit:	U.S. Army Corps of Engineers Nationwide Permit No. 27 (File No. 265180N)
Compensatory Mitigation:	None. All authorized discharges to waters of the United States are associated with fish habitat enhancement activities in Chadd Creek.

Noncompensatory  
Mitigation:

Non-compensatory mitigation measures include the use of Best Management Practices for sediment and turbidity control. The applicant has also applied for a Lake or Streambed Alteration Agreement (1600 Permit) from the California Department of Fish and Game.

CEQA Compliance:

Humboldt County Community Development Services, as lead California Environmental Quality Act (CEQA) agency, prepared a Mitigated Negative Declaration for this project.

Standard Conditions:

Pursuant to Title 23, California Code of Regulations, Section 3860 (23 CCR 3860), the following three standard conditions shall apply to this project:

- 1) This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and 23 CCR 3867.
- 2) This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- 3) The validity of any nondenial certification action (actions 1 and 2) shall be conditioned upon total payment of the full fee required under 23 CCR 3833, unless otherwise stated in writing by the certifying agency.

Additional Conditions:

Pursuant to 23 CCR 3859(a), the applicant shall comply with the following additional conditions:

- 1) The applicant shall notify Regional Water Board staff at least five working days (working days are Monday – Friday) prior to the commencement of the project, with details regarding the schedule of operations, to allow staff the opportunity to be present onsite and to answer any public inquiries that may arise regarding the project.
- 2) A copy of this permit must be provided to all contractors and subcontractors conducting work on this project, and a copy

must be in their possession at the work site. It is the applicant's responsibility to ensure that the contractor and all subcontractors are provided a copy of this permit.

- 3) No trees shall be felled along Chadd Creek to provide large wood for enhancement structures. No more than ten small diameter (less than 15-inch diameter at breast height) deciduous trees may be felled for the purpose of relocating the existing bridge.
- 4) There shall be no disturbance to any onsite wetlands.
- 5) Runoff from the RV parking lot area shall first pass through the oil water separator before entering the constructed grassy swale, as shown on grading plan details that were faxed to this office on June 16, 2006, before this runoff enters waters of the United States. The oil water separator shall be adequately maintained in perpetuity. Maintenance of the constructed section of the grassy swale, such as by mowing or by other appropriate vegetation removal methods, shall be limited to the amount necessary to maintain adequate site drainage.
- 6) All activities and Best Management Practices shall be implemented according to the submitted application and the conditions in this Water Quality Certification.
- 7) Adequate Best Management Practices for sediment and turbidity control shall be implemented and in place during and after construction in order to ensure that no silt or sediment enters surface waters.
- 8) Fueling, lubrication, operation, maintenance, storage and staging of vehicles and equipment shall be outside of waters of the United States. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the United States. At no time shall the applicant use any vehicle or equipment, which leaks any substance that may impact water quality.
- 9) If, at any time, an unauthorized discharge to surface waters occurs, or any water quality problem arises, the project shall cease immediately and Regional Water Board staff shall be notified promptly.

- 10) No debris, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this permit, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State.
- 11) Project activities shall comply with provisions in the North Coast Region Water Quality Control Plan (Basin Plan).
- 12) The project site may be visited and assessed by Regional Water Board staff to document compliance with this certification.
- 13) This Order is not transferable. In the event of any change in control of ownership of land presently owned or controlled by the applicant, the applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, address, and telephone number of the person(s) responsible for contact with the Regional Water Board. The request must also describe any changes to the Project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the Project as described in this Order.

Water Quality Certification: I hereby issue an order [23 CCR Subsection 3831(e)] certifying that any authorized discharge from the Ancient Redwoods RV Park and associated Chadd Creek fish habitat enhancement project, (Facility No. 1B0619WNHU) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act [33 USC Subsection 1341 (a)(1)], and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which requires compliance with

all conditions of this Water Quality Certification.

Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant's project description, and b) compliance with all applicable requirements of the Regional Water Board's Water Quality Control Plan for the North Coast Region (Basin Plan).

Expiration: The authorization of this certification for any dredge and fill activities expires on October 30, 2010. Conditions and monitoring requirements outlined in this certification are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

Please notify Dean Prat of our staff at (707) 576-2801 prior to construction (pursuant to Additional Condition No. 1 above) so that we can answer any public inquiries about the work.

Sincerely,

Catherine Kuhlman  
Executive Officer

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Enclosure:

State Water Resources Control Board Order No. 2003-0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification"

cc: Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 333 Market Street,  
San Francisco, CA 94599  
U.S. Army Corps of Engineers, District Engineer, P.O. Box 4863, Eureka, CA 95502